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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/169,023	10/08/1998	IVAN YANG	0100.01272	5153

23418 7590 01/26/2004

VEDDER PRICE KAUFMAN & KAMMHOLZ
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EXAMINER

BUI, KIEU OANH T

ART UNIT PAPER NUMBER

2611

DATE MAILED: 01/26/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/169,023

Applicant(s)

YANG ET AL.

Examiner

KIEU-OANH T BUI

Art Unit

2611

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 29 December 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 1-22.

Claim(s) withdrawn from consideration: _____.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____

Krista Bui
A.U. 2611
Jan. 20, 2004

Continuation of 5. does NOT place the application in condition for allowance because: the claim languages of claims 1, 7, and 13 do not appear in better forms in condition for allowance. Please see the Examiner's response to argument attached.

Response to Arguments to After Final Office Action

Applicant's arguments filed on 12/22/03 have been fully considered but they are not persuasive.

Basically, the Applicants' application is about a method for controlling display of content signals of at least one of video, audio, and text content based on an associated content indicator, and by comparing with that content indicator with a content control setting within an apparatus or a device, i.e., a PC, a cable box, a VCR, a DVD player, a portion of the at least video, audio, and text content is scrambling before displaying it to the viewer. In fact, it simply a 3-step method for: a) having a content indicator with a related video, audio, or text;

- b) comparing the content with the content control setting (at the device); and
- c) scrambling a portion of them based on the control setting.

First, Kwoh teaches a technique that a video, audio or text has an associated rating content, but Kwoh blocks it instead of scrambling it. However, Kwoh also teaches that a portion of a program due to offending scenes can be excluded for viewing using V-block (col. 11/lines 13-38). Then, in a same field of providing programs with rating contents, Ming teaches to use scrambling technique to scramble at least a portion of the program based on a control setting from the user at the decoder (Ming, col. 7/line 30 to col. 8/line 3). The applicants mistakenly states or ignores the fact that Ming teaches "a user category code is previously stored within a decoder" and by doing the comparison as in step b) above, a portion of program is scrambled or a blank screen is shown, not the entire program is precluded (Ming, col. 8/lines 51-64).

Throughout the Ming's reference, a scrambling technique is used; however, the critical issue herein related to "a portion of program" being scrambled is not clearly shown up in Ming's. Therefore, in order to brighten up the issue, Chapman comes into light to show that "the technique of scrambling a portion of program" is already taught in the art (by Chapman) as discussed in the Final Office Action. One of ordinary skill in the art does not have to combine

straightly the whole exact systems of Kwoh, Ming and Chapman together (as quoted or suggested by the applicants), without modifying any element what is needed to include and exclude.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, all three references are in the same field of television system providing rating content controls to the viewer, and the viewer can control the setting as preferred based on the rating control associated with the program, whether the program is a video, audio or text.

Therefore, the Examiner believes that the combined references are proper and valid, and the Examiner stands with the rejection and the teaching of Kwoh, Ming and Chapman as discussed in details in the Final Office Action and this response to arguments.

Conclusion

2. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 872-9306, (for Technology Center 2600 only)

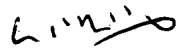
Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

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3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Krista Kieu-Oanh Bui whose telephone number is (703) 305-0095. The examiner can normally be reached on Monday-Friday from 9:00 AM to 6:00 PM, with alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile, can be reached on (703) 305-4380.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.


VICTOR R. KOSTAK
PRIMARY EXAMINER

Krista Bui
Art Unit 2611
January 20, 2004